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10/672,943	09/26/2003	Chris Nunez	10486/6	9683

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EXAMINER	
WU, YICUN	

ART UNIT	PAPER NUMBER
2165	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/672,943	NUNEZ, CHRIS	
	Examiner	Art Unit	
	Yicun Wu	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11 and 14-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 14-23* is/are rejected.

7)☒ Claim(s) *11 and 24* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Patent Examiner Technology Center 2100

III. DETAILED ACTION

1. Claims 1-11 and 14-24 are presented for examination.

Examiner's Remarks

2. In response to Applicants Amendments and remarks, Claim Objections are hereby withdrawn.

Applicant argues:

(1) What is missing from Angus is the parameter itself.

Examiner disagree.

With respect to the argument, the Examiner points to "Various parameters" (Angus Col. 34, line 12), "parameters for data extraction" (Angus col.. 5, lines 34-35, "parameters" Angus col. 6, lines 24-25), therefor, the Examiner believes Angus Fig. 5 teaches the claimed limitation of "parameter".

(2) In response to the applicants' arguments regarding "obviousness", and "motivation" to combine the cited references, the arguments have been fully considered but are not deemed persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, both cited references teach inventions that are in the same field of endeavor. In this case, the primary reference, Gusack, teaches every limitation of the independent claims, with the exception of " parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value.". The secondary reference, Angus, teaches this limitation, and

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack to include parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack by the teaching of Angus et al. to include parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value with the motivation to more satisfactorily sustain business requirement as taught by Angus et al. (Col. 3 lines 1-25).

(3) In response to the applicants' arguments regarding "Kessenich does not teach or suggest a parameter value, nor does Kessenich teach any combination of a parameter and parameter value to form a keyword. The Examiner believes Kessenich et al. (Col. 13, lines 2-33)

and "values and parameters needed to process the query request" (col. 19 lines 16-25) teaches the combination of a parameter and parameter value.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-10 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusack (U.S. Patent 6,356,897) in view of Angus et al. (U.S. Patent 7,003,504).

As to Claim 1, Gusack discloses a method of retrieving data contained in a file storage system, comprising:

providing a keyword, wherein the keyword (Gusack Fig. 15 and Col. 19, lines 28-59) includes:

a parameter comprising a first portion of the keyword, the parameter identifying the data, the parameter describing an attribute of the data (Gusack Fig. 15 and Col. 19, lines 28-59); and

a second portion of the keyword, being upon the data (Gusack Fig. 15 and Col. 19, lines 28-59).

Gusack does not explicitly teach parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value.

Angus et al. teaches parameter value (fig.5) and representing a particular quantity (i.e. unit of volume. fig. 5) associated with the parameter (i.e. volume. fig. 5); wherein the parameter and the parameter value are associated with the data contained in the file storage system (fig. 5); and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value (col. 33, lines 14-34).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack to include parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack by the teaching of Angus et al. to include parameter value and representing a particular quantity associated with the parameter; wherein the parameter and the parameter value are associated with the data contained in the file storage system; and, retrieving the data in response to one or more search criteria associated with at least one of the parameter and the parameter value with the motivation to more satisfactorily sustain business requirement as taught by Angus et al. (Col. 3 lines 1-25).

As to claim 2, Gusack as modified teaches: wherein the parameter is user-defined (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 3, Gusack as modified teaches:

wherein the parameter and the parameter value are linked as a contiguous text string (Gusack Fig. 15 and Col. 19, lines 28-59).

As to claim 4, Gusack as modified teaches:

wherein the parameter further comprises a units designator, the units designator comprising a portion of the parameter, the units designator indicating the units of measurement for the parameter value (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 5, Gusack as modified teaches

a pointer (i.e. link Gusack Fig. 15-17 and Col. 19, lines 2-59), the pointer comprising a third portion of the keyword, the pointer pointing of the data (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 6, Gusack as modified teaches:

a plurality of keywords (Gusack Fig. 15-17 and Col. 19, lines 28-59), the plurality of keywords begin an index of the data pointed to by one or more pointers contained within at least one of the plurality of keywords (i.e. index. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 7, Gusack as modified teaches:

wherein the data contained in the file storage system is semi-structured data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 8, Gusack as modified teaches

wherein the data contained in the file storage system is hypertext data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 9, Gusack as modified teaches

wherein the data contained in the file storage system is unstructured data (Gusack Fig. 15-17 and Col. 19, lines 28-59).

As to claim 10, Gusack as modified teaches

wherein the data contained in the file storage system is text data (i.e. Hypertext. Gusack Fig. 15-17 and Col. 19, lines 28-59).

5. As to claims 14-23, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

6. Claims 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gusack (U.S. Patent 6,356,897) in view of Kessenich et al. (U.S. Patent 6,292,802).

As to Claim 14, Gusack discloses a file storage system having an index of keywords, each keyword having a parameter, a method of searching for data, comprising:

receiving a search criterion (i.e. search. Gusack Fig. 15-17 and Col. 20, lines 1-20),

comparing (i.e. matching Gusack Fig. 15-17 and Col. 20, lines 1-20)the search criterion with the keywords in the index (Gusack Fig. 15-17 and Col. 19, lines 28-59), and

presenting the results from the comparing step (Gusack Fig. 15-17 and Col. 20, lines 2-20).

Gusack does not explicitly teach associated parameter value.

Kessenich et al. teaches associated parameter value (Kessenich et al. Col. 13, lines 2-33).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack to include associated parameter value. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Gusack by the teaching of Kessenich et al. to include associated parameter value with the motivation to more efficiently, indexed search capability to rapidly locate arbitrary text in a large document or collection of documents as taught by Kessenich et al. (Col. 3 lines 3-6).

As to claim 15 Gusack as modified teaches a method, wherein the search criterion further comprises

any combination of one or more members of the group of: a search criterion parameter, a search criterion parameter value, or a units designator for a search criterion parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20);

the search criterion parameter comprising a member of a set of all the parameters defined in the data contained in the file storage system (Gusack Fig. 15-17 and Col. 20, lines 2-20), the units designator indicating the units of measurement for the search criterion parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20).

As to claim 15 Gusack as modified teaches a method wherein comparing the search criterion with the keyword further comprises:

representing the search criterion as a contiguous text string (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29), and

comparing the contiguous text string with the keyword, using Boolean logic (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 16 Gusack as modified teaches a method, wherein the search criterion further comprises

a parameter value for the parameter, the parameter value being based upon the data referred to by the parameter (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 17 Gusack as modified teaches a method wherein the keyword further comprises

a units designator for the parameter value, the units designator indicating the units of measurement for the parameter value (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 19 Gusack as modified teaches a method wherein the data contained in the file storage system is semi-structured data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 20 Gusack as modified teaches a method wherein the data contained in the file storage system is hypertext data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 21 Gusack as modified teaches a method wherein the data contained in the file storage system is unstructured data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 22 Gusack as modified teaches a method , wherein the data contained in the file storage system is text data (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

As to claim 23 Gusack as modified teaches a method wherein the parameter is user-defined (Gusack Fig. 15-17 and Col. 20, lines 2-20, col. 19, lines 10-29).

Points of contact

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 571-272-4087. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Yicun Wu
Patent Examiner
Technology Center 2100

September 26, 2007